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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,085	09/08/2003	Paul J. Waszkowski	28679/04589	2084
24024	7590	05/04/2006	EXAMINER LAI, ANNE VIET NGA	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,085

Applicant(s)

WASZKOWSKI, PAUL J.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10-13,15,17-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 7,14,22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Neall** [5,267,159] in view of **Gustavsson** [US. 2003/0088348] and further in view of **Matsumoto** [JP 60208149 A].

In claim 1, 8 and 15, **O'Neall** (fig. 1) discloses a system and method for mileage communication for vehicle comprising a processing unit (22, 24) calculating and storing mileage covered by the vehicle; a user interface (push buttons 60-67); and an output device for communicating the cumulative mileage in the form of a sensory signal (visual 46).

O'Neall fails to disclose the processing unit controls an on-board system of the vehicle and the signal is an ON-OFF signal. **Gustavsson** teaches certain vehicles are equipped with multiple ways to calculate distance travel on-board and an engine electronic control unit may calculate mileage as well for the precaution that one of the measuring device may have been tampered or is inoperative (par. 13). **Matsumoto** teaches a device responsive to user request (abbreviated dial key; abstract) encoding a sequence numbers from memory storage into Morse code and audibly outputting the Morse code to confirm the read out numbers, for the benefit of the eyesight

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handicapped person. In light of Gustavsson and Matsumoto teaching, it would have been obvious to any one having ordinary skill in the art at the time the invention was made, a designer can provide more than one type of distance travel calculating and more than one output device to communicate information therefore the users can select the appropriated type as needed.

In claims 6, 13 and 21, **O'Neall** modified disclosed audible output.

2. Claims 4-5, 11-12, 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Neall**, **Gustavsson** and **Matsumoto** in view of **McCann** [US.6,343,844].

In claims 4-5, 11-12, 19-20 and 23, **O'Neall** discloses visual display output, **Matsumoto** teaches an output can be in coded ON-OFF signal; **McCann** teaches a trailer ABS warning lamp capable communicating information in response to user request by output flashing light in appropriate code sequence (col. 7, lines 9-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made the type of output used for communicate information is based on particular mode of applications; in ordinary user mode, a sophisticated display is preferred for its easy perceptible numeral value; in diagnostic mode a flashing ON-OFF lamp may be selected for its small size to reduce cost and space.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Neall** modified as above in view of **Serp** [US. 4,292,624].

In claim 17, **O'Neall** modified is silent to series of strobe signals output of the encoded numeral zero. **Serp** teaches Morse code represent the numeral zero by five

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dashes or nine bits for strobe output (col. 2, lines 24-41). It would have been obvious to any one having ordinary skill in the art at the time the invention was made any encoded numeral can be represented by a conventional pulse pattern for reproducing later the numeral value, the well known Morse code for numeral zero is an example.

4. Claims 3, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **O'Neall** modified in view of **Serp** or **Chang** [US. 5,602,563] or **Toumayan** [US. 4,685,116].

In claims 3, 10 and 18, **O'Neall** modified does not disclose specifically truncating the value prior to generating code; **Serp** teaches an abbreviated code for numeral zero which is the longest of the ten Morse code digits (col. 2, lines 24-41); **Chang** teaches truncating some part of the data to be displayed if the output fields is insufficient long (figs. 4-7); **Toumayan** teaches truncating the cumulative mileage prior to output to avoid big size display (subtract 200,000 because the most significant digit can only either be blanked or display a one; Fig. 2; Col. 5, lines 17-24, 47-51; col. 6, lines 20-24). The general idea here is to adapt the length (in time or in space) of the data output to the capability of the output device; if the mileage value for example 10024.8888 miles is to be output by a single flashing lamp, it would have been obvious in common sense that at least some decimal or some digits may need to be truncated for saving time reading out the numeral value.

Allowable Subject Matter

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5. Claims 7, 14, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaki discloses the vehicle electronic control unit (ECU) computes and stores traveled distance mileages data which later being read by a diagnosing device (col. 1, l. 25-30; col. 9, l. 42-49). [US. 6836710]

Schepps discloses a mileages communication system for vehicle wherein the vehicle on-board processor updates the vehicle mileages and communicates information through a tag upon interrogation of an interrogator (col. 1, l. 21-38). [US. 5974368]

Lightner discloses a wireless diagnostic system for monitoring vehicles wherein the vehicle electronic control unit (ECU) stores the mileages from odometer reading and alerts the user of a potential problem (col. 3, l. 22-58). [US. 6636790]

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVL
4/28/06



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